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THE PRESIDENTIAL ELECTION PROCESS IN THE PHILIPPINES

A REPORT

TO THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

BY THE

CENTER FOR DEMOCRACY
BOSTON UNIVERSITY
BOSTON, MASSACHUSETTS
AND
WASHINGTON, DC

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LETTER OF TRANSMITTAL

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 10, 1986.

MEMBERS,
Senate Foreign Relations Committee,
U.S. Senate, Washington, DC.

DEAR MEMBERS: On behalf of the Committee on Foreign Relations, I am submitting to the Senate the report of The Center for Democracy on the Presidential election process in the Philippines. This report was the subject of the Committee hearing on December 18, 1985, which examined the election laws, campaign procedures and election mechanisms being used in the Philippines for the February 7, 1986, Presidential election. The Committee considers this report useful to the Senate in arriving at a decision concerning the sending of an observer delegation to that election.

The Committee wishes to express its deep appreciation to Dr. Allen Weinstein, The Center for Democracy's president, and the five other members of the bipartisan team which visited the Philippines, December 9–14, 1985, in creating this report.

The views expressed in this report do not necessarily reflect the views of all Members of the Committee on Foreign Relations.

RICHARD G. LUGAR,
Chairman.

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Report to the

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ON

THE PRESIDENTIAL ELECTION PROCESS IN THE PHILIPPINES

Submitted by

THE CENTER FOR DEMOCRACY
BOSTON UNIVERSITY
BOSTON, MASSACHUSETTS
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December 18, 1985

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I. INTRODUCTION

A. Purpose of the Study: A Summary

The Center for Democracy's visit to the Philippines with a six member delegation from December 7–14 of this year took place at the direct request of the U.S. Senate Committee on Foreign Relations. On November 21, 1985, Allen Weinstein, the Center's President, received a letter (Exhibit A) signed by Senators Richard G. Lugar and Claiborne Pell, respectively, Chairman and Ranking Minority Member of the Committee, asking the Center "to undertake a visit to the Philippines on behalf of the Committee . . . in early December."

The mission had the following stated objectives:

1. To demonstrate the concern of the Committee that the Presidential election be fair, free and an accurate reflection of the wishes of the Philippine electorate, and that preparations now in progress are supportive of such an election;
2. To study the electoral code recently passed by the Philippine National Assembly;
3. To observe and analyze the preparations being made under this electoral code (and other pertinent laws and regulations) for the holding of an election in February 1986 or later;
4. To discuss with relevant participants the progress of election preparations, including problems; and
5. To report back to the Committee on Foreign Relations as soon as possible.

The Center and the Committee had agreed that the group which undertook this study should be bipartisan and should contain experts on U.S. electoral laws and processes affiliated with both the Democratic and Republican Parties. It was agreed further that the project should be conducted without cost to the Committee, all expenses to be borne by the Center.

The Committee's request to the Center followed by three days Senate passage (on November 14) of a Concurrent Resolution of the U.S. Congress, passed the previous day by the House of Representatives, that responded to the call for an early 1986 presidential election in the Philippines by that country's President, Ferdinand E. Marcos. The Concurrent Resolution (H. Con. Res. 232, Exhibit B) expressed "the sense of the Congress with respect to the restoration of democracy in the Philippines" and, after noting President Marcos' pledge to hold a free and fair presidential election (now scheduled for February 7, 1986), states that the Congress "believes that in order to provide institutional guarantees for an honest election which will be deemed credible by the Filipino people, it is important that the following steps be taken":

(A) Determination of the timing and modalities of the election in accordance with the Constitution of the Philippines.

(B) Appointment of an impartial Commission on Elections (COMELEC) staffed by politically independent commissioners.

(C) Timely accreditation of a freely functioning, politically independent, citizens' election monitoring organization which has access to all polling places in the country and to all phases of the electoral process, and which is able to report all of its findings fully and in a timely fashion.

(D) Adequate access to radio, television, and the print media for members of the democratic opposition throughout the entire campaign period.

(E) Neutral conduct by the Philippine military establishment.

The report which follows reviews the electoral situation in the Philippines within the context of the mandate from Senators Lugar and Pell. The delegation took into account throughout its work the criteria cited in the Concurrent Resolution which are essential for "an honest election which will be deemed credible by the Filipino people."

B. Background: The Pursuit of Bipartisanship

The process which led to the Lugar-Pell mid-November request began last July in a series of meetings (Exhibit C) with interested Senate staff members from both parties and State Department officials, later joined by House staff members. The meetings centered around developing practical, non-intrusive and bipartisan approaches to strengthening democratic institutions and processes in the Philippines through exchange programs which would involve both government (KBL) and opposition political leaders.

The original focus of these discussions concerned efforts directed toward the local and regional elections in that country scheduled for May 1986. Once President Marcos announced his plans for a "snap" presidential election next February, attention shifted toward acquiring information vital to Congress in determining whether or not to accept the President's invitation to send formal observers and, if so, in what manner.

By mid-fall, in addition to Chairman Lugar and Senator Pell, a number of other members of Congress from both parties and in both houses of Congress, joined the Center's ongoing discussions of the situation. Senator Frank H. Murkowski, Chairman of the East Asian and Pacific Affairs Subcommittee of the Committee on Foreign Relations, and Senator Alan Cranston, Ranking Minority Member of the Subcommittee, both strongly supported this initiative. The following Senators have participated in the process of developing the Center's bipartisan delegation: Christopher Dodd, Daniel J. Evans, Edward M. Kennedy, John F. Kerry, Paul Laxalt, John Melcher, Larry Pressler, and Paul Simon.

House members who offered essential advice during this process include Dante B. Fascell, Chairman of the House Foreign Affairs Committee; Stephen J. Solarz, Chairman of that Committee's Asian and Pacific Affairs Subcommittee; Doug Bereuter, and Jack Kemp. Both the Republican and Democratic National Committees, through their Chairmen, respectively Frank J. Fahrenkopf Jr. and Paul G. Kirk, have been mainstays of the initiative.

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At the State Department, strong support for the Center's efforts has come from Assistant Secretary for Asian Affairs Paul Wolfowitz, Deputy Assistant Secretary of State, John C. Monjo, U.S. Ambassador to the Philippines Stephen Bosworth, Director of the Philippines Desk John Maisto, and Director of the USIA Asian Affairs Bureau, Robert Nevitt. Special Assistant to the President, Walter J. Raymond, has participated in the discussions on behalf of the National Security Council.

C. The Delegation

The delegation, in addition to Professor Weinstein, consists of the following people:

Jan W. Baran, Partner, Law Firm of Wiley and Rein, Chairman of the American Bar Association's Special Committee on Election Law and Voter Participation Advisory Commission, General Counsel to the National Republican Congressional Committee;

Robert F. Bauer, Partner, Law Firm of Perkins Coie, General Counsel to the Democratic Senatorial Campaign Committee and Counsel to the Democratic Congressional Committee;

E. Mark Braden, Chief Counsel, Republican National Committee;

Elaine K. Shocas, Counsel to the Treasurer, Democratic National Committee, and Special Counsel to the American Federation of Teachers; and

Caleb C. McCarry, Director of International Programs, The Center for Democracy.

Prior to departing, the delegation met several times with a bipartisan cross-section of congressional staffs, State Department officials, and others for briefings on the situation in the Philippines and the state of U.S.-Philippine relations. Members of the delegation met with Minister Leonides Caday of the Philippine Embassy in Washington to brief the government of the Philippines on the purpose of the research mission and to request appointments with leading government officials—including President Marcos—to discuss election preparations. Minister Caday assured Professor Weinstein of the government's cooperation during the visit.

In addition to these joint meetings, the delegation also reviewed State Department briefing materials, congressional hearings and staff reports (particularly the October 1984 Senate Foreign Relations Committee staff report which analyzed the May 1984 parliamentary elections), major country studies, recent press reports, and the new Philippines Omnibus Election Code prepared and approved by the Batasang Pambansa.

D. Meetings in the Philippines: A Summary

The delegation left Washington, D.C. for Manila on Saturday, December 7, arriving there Sunday evening. Over the next six days, the delegation met with over 75 Filipino political and public figures to review the state of electoral preparations. In addition, we received valuable assistance and briefings from Ambassador Stephen Bosworth and members of the U.S. Embassy staff throughout our stay. The cooperation of the U.S. Embassy, moreover, in facilitating

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logistics for the entire visit eased enormously the group's administrative burden.

A complete list of those with whom the delegation met has been appended to this report as Exhibit D. Our schedule included meetings with: President Ferdinand E. Marcos, KBL Vice-Presidential candidate Arturo Tolentino, "UNIDO" (Opposition) Presidential candidate Corazon Aquino, UNIDO Vice-Presidential candidate Salvador Laurel, Mrs. Imelda Marcos, Jaime Cardinal Sin, Minister of Defense Juan Ponce Enrile, Chairman Victorino Savellano and members of the Commission on Elections (COMELEC) and their key staff members, Chairman Jose Concepcion, Jr. and other leading officials of the National Citizens Movement for Free Elections (NAMFREL), and with a cross-section of government and opposition leaders. In addition, we reviewed our understanding of the laws related to the current Philippine electoral process with various constitutional and legal specialists in that country as well as with former COMELEC commissioners from both government and opposition groups.

The delegation neither asserted nor sought special expertise in the military and economic context of the forthcoming election. We have tried, however, to familiarize ourselves thoroughly with the essential constitutional, legal, and political factors shaping the February 1986 presidential contest. Specifically, we attempted to convey to all those with whom we met the explicitly non-intrusive bipartisan character of our inquiry, supporting no side and favoring no perspective other than an attempt to compile—to the best of our collective ability—a presentation of the facts needed by the Foreign Relations Committee in rendering intelligent judgments upon the question of whether the forthcoming Marcos-Aquino election campaign would be free, fair, and credible to the Filipino people.

II. EXECUTIVE SUMMARY

If the Supreme Court of the Philippines declares the election constitutional, that country will vote on February 7, 1986 for a President and Vice President.

Virtually all political leaders in the Philippines recognize the present moment as one of unprecedented crisis in the life of that nation, borne out dramatically by President Marcos' decision to seek a special election well before the conclusion of his regular term of office in 1987. The February 7, 1986 election, therefore, holds both enormous risks and presents significant opportunities for the future of democratic institutions in the Philippines.

If the election is widely believed by Filipinos to have been conducted unfairly or fraudulently, the candidates who take office as President and Vice President will lack the legitimacy required for effective governance. On the other hand, if the election is widely recognized to have been conducted in a free, fair and honest manner credible to the large majority of the electorate, it can accelerate dramatically the democratic process in that country and contribute to national cohesion and effective government in the face of major political, economic, social and national security problems.

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The government of President Ferdinand E. Marcos has offered assurances that this election will be conducted fairly and without coercion, nevertheless, significant concerns were expressed by many Filipino political, religious, labor, business and media leaders in light of the following:

Marcos' twenty-year tenure in office, marked by a decade-long period of martial law and continuation of the President's capacity to use broad decree powers.

The periodic imprisonment of opponents of the Marcos Administration since martial law was declared in 1972 under a legal regime permitting "preventive detention" without trial and the suspension of writs of habeas corpus in various regions of the country.

The murder of Benigno Aquino, Jr., and subsequent court proceedings related to that crime, which galvanized intense opposition sentiment in the Philippines.

Because the government of the Philippines and COMELEC have not yet concluded their final determinations on essential election procedures, our judgment on the ultimate fairness and credibility of the election must remain tentative at this point. The procedures in question will determine whether the campaign, voting, and tabulation of ballots will be persuasively honest—and, as important, will appear to be so—to the bulk of the Filipino people.

We have no hesitation, however, in suggesting major criteria by which dispassionate observers of the current electoral process in the Philippines can evaluate its fairness. These criteria substantially rely on the legal framework and procedures used in connection with the May 1984 Batasan elections, generally viewed by Filipinos to be among the country's fairest.

The following requirements and conditions are critical, in our opinion, to determine the fairness of the February 1986 election. The government's position on these matters was unresolved at the time of this Report:

The national accreditation by COMELEC of the National Citizens Movement for Free Elections (NAMFREL), widely credited for effectively monitoring the 1984 legislative election nationally, as COMELEC's principal "citizens' arm" for the presidential contest, along with any other civic organizations that COMELEC may wish to accredit for specific parts of the country. The national accreditation of NAMFREL should not include the inordinate additional burden of accreditation in 42,000 separate localities;

The prompt fulfillment by President Marcos this month of his commitment to appoint two additional members to COMELEC in time to join deliberations on 1986 election procedures;

The recognition of the Aquino-Laurel (UNIDO) ticket by COMELEC as the Dominant Opposition Party (DOP) as provided for in the electoral code, with all poll-watching and other rights provided for the DOP under the code;

Enforceable guarantees of equal access to media for the dominant opposition party as provided for in the electoral code. These guarantees must include the allocation of substantial, free radio and television time ("COMELEC Time") to, and its equal division between, government (KBL) and dominant oppo-

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sition (UNIDO) parties, and similar provisions to govern "COMELEC Space" in newspapers;

Enforceable guarantees of reasonable access to paid radio and television time and newspaper space for the dominant opposition party in quantity and at rates identical to those made available to the ruling party;

The close and appropriate supervision of all military and para-military forces by COMELEC, as provided for in the electoral code, to assure that they are not used for purposes of partisan influence prior to the election, intimidation during the voting process, or ballot fraud in tabulating votes;

The quickest possible counting of ballots throughout the country, including those provinces most notable in the past for verified voting fraud, utilizing where possible the resources of both COMELEC and NAMFREL in a collaborative manner;

The establishment—in response to general concern and to invitations from President Marcos and Mrs. Aquino, the commissioners of COMELEC, and both government and opposition leaders—of a coordinated international observer process beginning in January 1986. This observer process must continue through vote counting and certification of ballots, and should follow the suggestion by KBL Vice-Presidential candidate Arturo Tolentino and others that observers concentrate their efforts on trouble spot provinces working in collaboration with NAMFREL and COMELEC.

The report which follows describes the constitutional and legal background of the special presidential election. It then examines in detail the potential problems mentioned above along with others which, in the opinion of the delegation, may reflect upon the credibility of the election.

The U.S. Congress, in the view of the delegation, should base any decision to send an official delegation to observe the February 7, 1986 election on the manner in which the above issues are resolved.

III. FILIPINO CONSTITUTIONAL AND ELECTION LAW FRAMEWORK

A. Election of President and Vice President

The Philippine Constitution provides for a President to be elected every six years. Art. VII, § 5. The current provision was first utilized in 1981, prior to which time the Constitution had been amended (1973) and martial law had been in effect (1972–81). Thus, the next regularly scheduled election for President is May of 1987.[1]

On November 11, 1985 President Marcos submitted a letter (Exhibit E) to the Batasan Pambansa (National Assembly) requesting the calling of a special or "snap" election prior to the regularly scheduled election. In his request President Marcos stated that he would "irrevocably vacate his office" after "the election is held and

[1] The 1987 election was to be the first election pursuant to a 1974 amendment to the Constitution at which a Vice President was to be elected. That office was abolished in 1973. If the snap election is held it will obviate the need for an election in 1987 since the winners would win six year terms expiring in 1992.

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after the winner is proclaimed and qualified as President by taking his oath of office ten (10) days after his proclamation." On December 3, 1985 the Batasan enacted a bill, Cabinet Bill 7 ("C.B. 7") (Exhibit F) calling for the special election of President and Vice President on February 7, 1986 and providing for other substantive requirements relating to preparations for this election.

B. The Presidential Decree Power

The Philippine Constitution is distinguished by the broad powers granted to the President. The most sweeping of these powers is the so-called "decree power," commonly referred to as Amendment 6, which states:

> Whenever in the judgment of the President there exists a grave emergency or a threat or imminence thereof, or whenever the [National Assembly] fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may, in order to meet the exigency, issue the necessary decrees, orders, or letters of instructions, which shall form part of the law of the land.

Amendment 6 (1976).

The President has the constitutional authority to issue decrees whenever he determines in his judgment that "there exists a grave emergency or a threat or imminence thereof." Therefore, if a snap election within the judgment of President Marcos would address a "grave emergency or a threat or imminence thereof" he could exercise his decree power to call for the election notwithstanding any Supreme Court decision nullifying the calling of the election by the Batasan. When this scenario was presented to Minister of Political Affairs and former COMELEC chairman, Leonardo B. Perez, he agreed that the President's decree power could be exercised in this fashion. President Marcos, on the other hand, stated to the delegation that if the Supreme Court declares C.B. 7 unconstitutional "there is no snap election." He further stated that exercise of his decree power to overrule a Supreme Court decision would be "highly questionable."

The manner in which President Marcos has offered to resign has prompted a constitutional challenge before the Supreme Court of the Philippines. Several cases have been filed claiming that it is unconstitutional for an election to be held without Mr. Marcos having actually resigned from and vacated his office. The Constitution expressly allows a special election prior to 1987 in the event of permanent disability, death, impeachment or resignation of the President, Art. VII, § 9, but is silent or whether the President may voluntarily submit to a special election while holding office.

The Supreme Court heard arguments in these consolidated cases on December 17, 1985 and is expected to announce its decision any day. In effect the Supreme Court, all of whose members are ap-

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pointed by the President, will rule on whether the February 7 snap election may take place.[2]

C. The Commission on Elections ("COMELEC")

The COMELEC is created by the constitution. Art. XII (C).

Under the 1935 Constitution, the President of the Philippines appointed COMELEC members with the consent of a Commission on Appointments drawn from members of the House and Senate (since replaced by one parliamentary body, the Batasan). Art. X, § 1 (1935). When the 1973 Constitution was approved by plebiscite, the President was conferred with the exclusive power to appoint COMELEC members. Art. XII (C), § 1(2). All members are appointed by the President for a term of seven years.

COMELEC administers and enforces all election laws and judges election contests. Art. XII (C), § 2. Its members perform their duties in the dual roles of administrators and judges.

Among its powers under the Constitution, COMELEC accredits political parties and may also deploy, with the consent or at the instance of the President, the Armed Forces to assure the orderly, free and honest conduct of the elections. The involvement of the President in decisions over the deployment of forces was added in the 1973 Constitution, its 1935 predecessor Constitution having conferred exclusive authority in these matters on COMELEC. Thus, the 1973 Constitution, prepared and approved under martial law, provided for substantially broad Presidential power in election matters, namely, those concerning COMELEC appointments and uses of the military.

D. Cabinet Bill No. 7

Cabinet Bill No. 7 is a Special Enactment of the Batasan governing the election scheduled for February 7, 1986. While the Batasan enacted an Omnibus Election Code, certain of its provisions which would otherwise govern the February 7 special election have been superseded by C.B. 7, approved December 3, 1985. C.B. 7 provides terms of office of six years for the successful Presidential and Vice Presidential candidates. C.B. 7 also established certain critical time deadlines, namely, for:

1. The filing of certificates of candidacy;
2. The nomination by political parties of their candidates;
3. The registration of new voters;
4. The completion of proceedings to consider challenges to the inclusion and exclusion of certain voters.

C.B. 7 also specifies the "campaign period" for the special election during which candidates and political parties will be permitted to engage in overt, public partisan activities, including the holding of rallies, television and radio broadcasts, and other actions "to promote the election or defeat of a particular candidate or candidates to a public office". C.B. 7 § 5; Code §§ 79(b) & 80.

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[2] In light of the fact that there currently is no Vice President, it theoretically is possible for the Supreme Court to rule that a snap election may be constitutional with respect to the election of a Vice President but unconstitutional with respect to the office of President.

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In addition, C.B. 7 sets forth the criteria for "accreditation" of a "Dominant Opposition Party" (DOP). C.B. 7 § 9. DOP status is of utmost significance under Philippine election laws, for it carries with it the right to designate one member to the various Boards of Election Inspectors and Canvassing. Moreover, under the Omnibus Election Code, all expenses associated with the activities of the Boards of Inspectors and Canvassing are paid by the government from specially appropriated funds.

In the course of our visit to the Philippines, certain issues arising out of the enactment of C.B. 7 were underscored as ones of particular importance. Central among these issues is the question of whether C.B. 7, in calling for a special election for President, reflects a constitutional exercise by the Batasan of its legislative authority. This issue has been addressed in the foregoing treatment of the Constitution. C.B. 7 presents as well the question of why the "campaign period" established by this bill terminates on February 5, 1986, *two days* before the February 7 election.

Because the campaign period was delimited in this fashion, neither the political parties nor the candidates may engage in certain previously identified overt partisan activities on both the day before and the day of the special election. Finally, the broad powers conferred upon COMELEC in the accreditation of DOP is a source of major concern to the principal opposition ticket, the UNIDO ticket of Aquino-Laurel.

The compressed time frame in which C.B. 7 was enacted, including the immediacy of the February 7 date of the special election, introduced some measure of confusion into early COMELEC decisions and other preparations for this election. While the Center delegation was in the Philippines, the COMELEC ordered that the date set by statute for party nominations, December 21, 1985, be moved to December 14, 1985. COMELEC contended that this earlier party nomination date was required to allow adequate time for the COMELEC to designate a DOP, and for the DOP in turn to designate their representatives to the Boards of Election Inspectors required by statute to meet on December 21 and 28 to receive and act on applications for registration of new voters. In fact, as the COMELEC also acknowledged in discussions with the Center delegation, C.B. 7 required that DOP be accredited no later than 14 working days before the first registration day of December 21—a date which COMELEC could not, in any event, meet.

E. The Omnibus Election Code

On December 3, 1985 the President approved the Omnibus Election Code (1985) ("Code") which supercedes the 1978 Election Code which had been issued during martial law by Presidential Decree No. 1296. In American jurisprudence the Code is analogous to state election administration laws and laws regulating fair campaign practices. The Code regulates elections at all levels of Philippine government from the President down to the baranqay officials, the barangay being the lowest unit of Filipino government. Unlike American elections which may be held and administered separately by state or local officials, all Philippine elections are centralized

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through COMELEC. Provincial and local elections, for example, will be held nationwide in May 1986 and supervised by COMELEC.

The Code was debated by both ruling and opposition parties extensively before enactment; and it appears to be the source of significant pride within both government and opposition circles. The Code contains extensive regulation of all aspects of the election process, the most important of which will be reviewed briefly in this section of our Report.

1. COMELEC

The Code delineates in greater detail the broad powers conferred upon COMELEC by the Constitution.

(a) Control over the Military

COMELEC possesses plenary power to deploy national and local law enforcement agencies, and the Armed Forces of the Philippines, "to act as deputies for the purpose of insuring the holding of free, orderly and honest elections." Code § 52(b). The COMELEC Chairman for Region XI, headquartered in Davao City on the island of Mindanao, confirmed that, in consultation with the national COMELEC office, he has in the past, and anticipated that he would in the future, be required to command the local police or Armed Forces to assure the orderly conduct of elections.

(b) Registration of Political Parties; Designation of "DOP"

COMELEC is also responsible for the registration of political parties, and for the designation at its discretion of the DOP.

(c) Accreditation of Citizens' Arms

Among the most important functions discharged by COMELEC, the agency may "enlist" or designate what are popularly known as non-partisan "citizens' arms" which, in the words of the statute, are requested "to undertake a coordinated operation and activity to assist [COMELEC] in the implementation of the provisions of this Code . . ." Code § 52(k). In 1984, by resolution, COMELEC denominated NAMFREL which was widely credited, by both opposition and government representatives, with assisting with the management of an election considered among the most orderly and fraud-free in Philippine history.

(d) Certification of Candidates

COMELEC also exercises authority over the certification of candidates for public office, including the office of President. Among other powers, COMELEC may cancel the certificate of candidacy of so-called "nuisance candidates". Code § 69. Determination of which candidates constitute "nuisances" has a significant bearing on COMELEC's decisions with respect to the allocation of television and radio time on a no-free basis, known as "COMELEC time."

2. REGULATION OF CAMPAIGN ACTIVITIES

The Code also extensively regulates campaign activities and the dissemination of "election propaganda." For these purposes, the "Campaign period", set under C.B. 7 for December 11 through Feb-

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ruary 5, 1986, is controlling, because the Code makes it unlawful for any candidate or party "to engage in an election campaign or partisan political activity except for the campaign period". Even during the campaign period, certain forms of "election propaganda" are prohibited. Code §80. Certain persons representing the opposition, with whom the Center delegation met, expressed concern about the Code's prohibition on the public display of any propaganda disseminated "by means of cinematography, audio-visual units or other screen projections." Code §85(d). In this instance, as in other issues under the Code, certain well-informed members of the government, including members of the parliament involved in the drafting of the Code, advised that this and similar restrictions on overt political activity during the campaign period are not enforced.

The availability of radio and television time is a matter regulated by COMELEC. It regulates the provision of COMELEC time, free of charge, to be "allocated equally and impartially among the candidates . . ." Code §92. COMELEC also is empowered to assure that political parties and candidates are entitled to radio and television time on an "equal opportunities" basis with respect to quantity of time and rates. Code §86(a).

3. REGULATION OF CAMPAIGN FINANCE

Campaign finances are broadly regulated by the Code, but virtually every participant in the process, both government and opposition, declared that these financing restrictions are "dead" and unenforced. For example, candidates and political parties are subject to overall limitations on their expenditures during the campaign period. Code §§ 100 & 101. While the Code provides for reporting of contributions and expenditures, presumably to enable COMELEC to monitor compliance with these limitations, we were advised that these reports were by and large pro forma. In some cases, we were advised, candidates filing reports with COMELEC noted only that their "expenditures complied with the limits set by law," without further itemization. It was widely recounted that one hapless candidate in recent years made a full and open disclosure of his finances, resulting in a determination by COMELEC that his expenditures violated the legal limit and that he was disqualified to hold office.

The Center delegation was assured that these acts of candor were not widespread among political parties or candidates. As a practical matter, therefore, there are no limitations on financial activity by either political parties or candidates.

In this regard, opposition representatives expressed concerns about the President's broad power over the disbursement of government funds. Under Presidential Decree 1177, still in effect, the President may recognize and redeploy the budgetary resources allocated to various government agencies. The power over government finance reflected in this decree was viewed as a potential source of abuse by members of the opposition who are concerned that government funds may be indiscriminately and without disclosure deployed in support of the KBL's Presidential and Vice Presidential ticket. Concerns about financing were also expressed by ruling

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party representatives who fear the funding of the UNIDO ticket by foreign sources, particularly from the United States.

4. REGISTRATION OF VOTERS

C.B. 7 and the Code prescribe an elaborate procedure for the registration of voters. Voters duly registered in the last election are transferred to a "permanent" list, and to this list is added those voters registered for the first time, for the special election, on the December 21 and December 28 dates specified by C.B. 7. C.B. 7 § 6; Code § 113. The registration of voters is conducted by and under the supervision of the Board of Election Inspectors which includes representatives designated by the ruling party and the duly accredited DOP plus a chairman and a poll clerk both of whom are public school teachers.

5. THE POLLING PLACE AND BARANGAY OFFICIALS

The establishment and management of polling places receives extended treatment in the Code. The precise physical arrangement of each polling place is diagrammed in the Code which assigns specific positions in the polling place to the "watchers" and to the Board of Election Inspectors. Code § 159. Only voters in the process of voting, together with members of the Boards of Election Inspectors and watchers, may remain in the polling place at any time. Code § 192. In addition, the Code provides that each registered political party, coalition of political parties and independent candidates may each designate a "watcher" also entitled to be continuously present in the polling place. Code § 178. Supplementing the activities of these candidates' watchers, will be watchers representing the duly accredited "citizens' arm" of the Commission. Code § 180.

One significant issue in past elections, and of continuing concern to opposition representatives, is the role of local elected "barangay" officials in the polling place. In 1984, in the face of explicit statutory law to the contrary in the old 1978 election code, COMELEC issued a resolution disqualifying barangay officials from serving as poll-watchers or members of Boards of Election Inspectors. Exhibit I. COMELEC apparently acted in response to concerns that the presence of these local officials throughout the voting process would generate abuses, including but not limited to undue influence over the voting behavior of their constituents. The Code, however, repeated the authorization contained in its 1978 predecessor that these officials could be designated by the ruling party or DOP to act as watchers or Board members. Code § 192. COMELEC has stated that it will not, as it did in 1984, disturb this legislative judgment.

6. PREPARATION OF BALLOTS AND RETURNS

In preparing ballots and election returns, COMELEC appoints a committee on printing, storage and distribution. This committee includes five members, two of whom are COMELEC members; one of whom is designated by the Commission on Audit; and the last two of whom are designated by the ruling party and the DOP. This

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committee is charged with printing and preparing for distribution the ballots and election returns. Code §§ 187–189.

7. COUNTING AND TABULATION OF VOTES

The counting and tabulation of votes received the most prominent attention in our visit to the Philippines. Both government and opposition representatives agreed that it is at this point in the formal process that fraud or other irregularities usually occur. For purposes of this Report, we can identify critical phases in the execution of ballots, their tabulation, and their transmission for a final tally to COMELEC.

Actual voting is done throughout the Philippines by paper ballot. There is no mechanical or machine voting. Once a ballot has been executed, the voter returns it physically to the Chairman of the Board of Election Inspectors who deposits it into the ballot box. Code § 198(a). When the balloting is completed, the Board of Inspectors begins to unfold ballots, forming separate piles of 100 ballots each, and the Chairman of the Board proceeds to read each ballot, "assuming such a position as to enable all of the watchers to read such names." Code § 210. The Chairman signs and affixes his thumb mark to the back of each ballot which has been counted; and the poll clerk and a third member record the running total on an election return and a "tally board or sheet." *Id.*

The election return must be prepared simultaneously with the counting of votes in the polling place. Code § 212. Once the election return is completed, each member must sign the return and affix a clear imprint of their thumb mark in full view of the public and the watchers. Each election return bears an election return serial number which is verified. *Id.*

In Presidential elections, six copies of the returns are prepared. One is deposited into the compartment of the ballot box which holds ballots; and in the case of municipalities, two copies (including the original) are handed to the municipal election registrar who must deliver the original to the provincial election supervisor and forward one copy to COMELEC. Additional copies are given to each of the authorized representatives of the accredited political parties. In the case of cities, the registrar retains the original copy for submission to the provincial election supervisor and forwards the other copy to COMELEC. Code § 214(1).

It is on the basis of the election returns that the Board of Canvassers canvasses the votes and forwards their canvass to the Batasan. Code § 231. The Canvassing Boards, like the Boards of Election Inspectors, operate at the provincial, city, district and municipal level. On each board, representatives may be designated by the ruling and dominant opposition parties. The Board of Canvassers meets in the late afternoon of election day, at places designated by COMELEC, to receive election returns and begin the canvassing process. Code § 231. Candidates and political parties may each appoint one watcher to a Board of Canvassers who may observe their proceedings and file protests. Code § 239.

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F. Election Contests

On December 3, 1985, on the same date that the Batasan enacted C.B. 7 and the Code, the assembly also passed a law (P.B. No. 6732) providing for an "independent presidential electoral tribunal" to decide election contests in Presidential elections. This tribunal will be composed of nine members, including the Chief Justice of the Court and two other justices: three nominated by the "majority party" from among its members in the Batasan; and three will be Batasan members of the "minority party." The Chief Justice chairs this tribunal which must decide the contest within twelve months of filing. A contest petition may be filed by any registered candidate for President or for Vice President who received the second and third highest number of votes. In discharging its duties, the tribunal may exercise all the powers conferred upon a plenary court, including the issuance of subpoenas, the taking of depositions, and compulsory compliance with its orders. The tribunal is also empowered to take charge of all ballot boxes, election returns and other election materials and place them under guard by deputies appointed by the tribunal.

IV. PREPARATIONS FOR THE PRESIDENTIAL ELECTION

A. Ballots and Election Material Preparation

The special election for President, the "snap" election, provides a very abbreviated period for the preparation of materials needed to conduct voting. The most time consuming and important materials which must be prepared are the ballots and tally sheets. A common device to ensure the security of the ballot and the tabulating sheets is to use a special watermarked paper. The COMELEC indicated they could not obtain a new watermark in less that 90 days, so the Commission has been left with no practical alternative other than to use the watermark from the 1984 election. Opposition figures have expressed concern that the use of the old watermark might facilitate the preparation of fraudulent ballots. Although this concern appears reasonable, there are no alternatives readily available to the Commission on Elections.

B. Tabulation

The tabulation of the results of an election in a country as large as the Philippines is a very substantial task. The Philippines has more than 27 million voters broken into 90,000 precincts, 1,542 municipalities, 73 provinces, and 13 regions. COMELEC has the stated aim of announcing the results of the election within 24 hours of the closing of the polls. For that purpose, they are creating an operation called "Super Quick Count."

They propose to employ a consortium of private data processing consultants to facilitate this program. The data from 300 precincts is to be hand delivered to a data entry station. There will be 300 data entry stations located in local telephone exchanges which then will act as transmission points for the precinct results. The 300 stations are to be no more than two hours travel time by foot from any polling place. Each of the 300 transmission points is to

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have a personal computer for the tabulation of the precinct data. The data will be transmitted via telephone lines to a satellite uplink through the GE Information Services Network.

Data would be transmitted via satellite to three computer centers (two in the United States and one in Europe) and then retransmitted for central tabulation to Manila. The developers of this system hope that within 10–14 hours, 80% of the vote will be transmitted to a central computer in Manila. The developers anticipate that approximately 1,500 workers will be required to man the system. They hope to have sufficient reserve micro computers placed in strategic locations to replace any non-functioning units within one hour.

The developers foresee a series of built-in measures to counter possible vote fraud. These include providing each station operator at the 300 transmission points with individual "pass codes;" programming the software to include the exact number of registered voters in each precinct so that should the number of votes entered exceed that on record an error code will appear; entering the name of the COMELEC official delivering the precinct canvass sheets into the computer; and, printing a copy of vote tabulations transmitted to be kept at each of the 300 transmission points.

If the system works as described, it would substantially assist in limiting the opportunities for fraud in the tabulation process. COMELEC has indicated that the press, opposition representatives, independent citizens' arms, and any international observers will have complete access to observe this process. A quick, accurate tabulation of election results is one of the best safeguards for the security of the ballot.

Although this program sounds promising, grave doubts must exist as to its actual operation. COMELEC Commissioners indicated that the funding of this program was dependent on a decision of the President. No equipment has been purchased or leased, no data entry workers have been hired or trained and no contracts have been signed. Yet only a very short period of time remains prior to the election. Even some members of COMELEC have expressed doubt as to the probability of this operation successfully taking place. If it fails, the quick central gathering of results will still be dependent upon oral telephone transmissions and runners. In the 1984 election, NAMFREL conducted a quick count operation in certain sections of the nation with a limited degree of success. The quick tabulation, transmission, and public dissemination of election results by COMELEC and/or NAMFREL are vital to ensure the credibility of the election.

C. Dominant Opposition Party

The dominant opposition party is the group permitted under Philippine law to have official poll workers in each of 90,000 precincts. The dominant opposition party in the upcoming snap election is clearly the UNIDO Aquino-Laurel ticket. This party, however, has not as of the date we left the Philippines been designated as the dominant opposition party. It is reasonable to assume the COMELEC will designate them as the dominant opposition party nationwide within a brief time, and we received some indications that

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the designation may occur this week. The failure of COMELEC to designate this group as the dominant opposition party would make the holding of credible elections in the Philippines impossible.

D. Role of the Military

We have been told by the government that the army and the Civilian Home Defense Force will remain in their barracks uninvolved in the election process unless required to protect and preserve the process. Clearly there is a proper role for the military in the protection of ballots and polling places. There are two active insurgent groups in the Philippines. Both groups have a substantial ability to disrupt the election through the use of violence. Two Philippine provinces remain under martial law.

In the 1984 election in Region XI of Mindinao, 168 ballot boxes out of 5,100 were stolen. There are 13 Regions in the Philippines. It is unclear at this time whether Moslem insurgents or the New People's Army (NPA) will attempt to disrupt the electoral process. There is a role for the military to protect the integrity of the process from interference by these insurgent groups or from any of the other armed elements of Philippine society.

Opposition members have expressed a grave concern that the army and especially the Civilian Home Defense Forces might be used to intimidate poll workers and steal unfavorable election returns. Substantial allegations have been made that in the past members of the armed forces were used as "flying voters," moving from polling place to polling place, casting numerous votes.

All opposition discussion of the military has not been negative. In the past, ROTC cadets have been used with substantial opposition support as poll watchers. In the upcoming election, they are not being permitted by COMELEC to serve as poll watchers much to the chagrin of the opposition.

If segments of the military actively interfere with the electoral process, no citizen's organization nor opposition political element will be able to stop their interference and preserve the integrity of the process. They have guns. The opposition electoral forces do not.

The opposition has expressed strong doubts as to the neutrality of many of the senior officers of the armed forces. More confidence has been expressed by the opposition in the loyalty of junior officers to constitutional and legal processes. The "We Belong" movement of junior military officers was often cited as an indication that young officers might resist efforts to have the army actively intervene in the political process. The political neutrality of the military is vital to a fair and credible election.

E. NAMFREL

NAMFREL, the National Citizens Movement for Free Elections, was organized in October 1983 by a group of citizens led by Jose Concepcion, Jr. NAMFREL is closely linked with laity groups within the Philippine Catholic Church and has as constituent groups numerous civic organizations such as various chambers of commerce, Kiwanis clubs, Rotary clubs, the Trade Union Congress of the Philippines, and Bar associations. The stated aim of NAMFREL is to harness citizens' power in working toward free, orderly,

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and honest elections by organizing and training volunteers nationwide to monitor the electoral process.

In the 1984 elections, two organizations were accredited nationwide as citizen's watchers, NAMFREL and one which was by general agreement totally ineffective. NAMFREL receives relatively high marks from all sides (government and opposition) for its role in helping the 1984 elections to be relatively fraud free although there were significant areas of the country where NAMFREL was unable to provide poll watchers. NAMFREL also conducted a vote tabulation system named "Operation Quick Count" which often produced voting results in advance of COMELEC. In those areas where NAMFREL was active, it was, in the words KBL vice presidential candidate Tolentino, "A very effective organization." An example of NAMFREL's publications appears at Exhibit G.

The COMELEC has the authority to certify citizens' arms organizations. They have indicated that they will accredit NAMFREL, but have not clearly indicated whether NAMFREL will be accredited nationwide. They have also indicated that they may accredit other citizens' arms such as the Integrated Bar of the Philippines and the Jaycees. Some COMELEC commissioners have stated that they see no problem with accrediting NAMFREL nationwide and additionally accrediting other citizens' arms on a regional basis.

It is not clear that this will become the official policy of COMELEC. Also, COMELEC is proposing to change its requirements on citizens' arms poll watching groups requiring them to submit names of designated poll watchers in advance for approval at the local level. See Exhibit H. In 1984 this was not a requirement. NAMFREL and opposition groups argue that such advance list provision will enhance the opportunity for these individuals to be pressured or intimidated by government or KBL officials. Some COMELEC commissioners are suggesting this change from the 1984 procedure is an effort to ensure the impartiality of NAMFREL watchers.

Accusations have been made by some COMELEC commissioners and other members of the government the NAMFREL is linked to opposition organizations. It does appear that some of NAMFREL's leaders have links to opposition groups but President Marcos' vice presidential running mate, Tolentino, observed that "only a very few individuals (NAMFREL volunteers) were not fair." Each side also acknowledges that in certain areas NAMFREL may have been used by the KBL and certain volunteers were biased in favor of KBL candidates.

Allegations have been made that NAMFREL is receiving funds from foreign sources. We have no specific evidence as to the truth of this assertion.

The accreditation of NAMFREL nationwide on a basis similar to the 1984 election is absolutely vital for the conduct of a free and credible election in the Philippines. Failure of this organization to be accredited and afforded a reasonable opportunity to conduct their poll-watching functions and reporting, including "Operation Quick Count," would raise the most serious questions as to the integrity of the whole electoral process.

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F. Ballot Boxes

In the upcoming elections, there will be 90,000 precincts. The Code requires that ballot boxes be constructed uniformly throughout the Philippines with one side transparent. Ballot boxes are to be secured with three locks plus two self-locking metal seals.

COMELEC officials have indicated that due to the excessively short time frame, only 25,000 to 30,000 one-sided transparent ballot boxes will be manufactured and available in time for the election. The remaining precincts will employ the ballot boxes used in prior elections. These boxes are of the same construction with the exception of the transparent side.

As yet, it has not been determined in which precincts the transparent-sided ballot boxes will be placed. However, COMELEC officials state that it is probable they will be located in precincts where COMELEC anticipates fraudulent voting activity and as replacement boxes in precincts where ballot boxes were stolen in the 1984 election.

One-sided transparent ballot boxes are designed to deter fraudulent voting activity, principally the stuffing of ballot boxes prior to the opening of the polls. NAMFREL expressed some concern that the secrecy of the ballot could be jeopardized with the transparent box resulting in the intimidation of the voter. However, there is general agreement between all groups—COMELEC, opposition, NAMFREL—on the effectiveness of the box in limiting ballot box stuffing prior to poll openings.

G. Ink

The Code requires that a mixture of silver nitrate and cammasie blue be applied to a voter's fingernail as a means of identifying a person who has voted and to prevent a person from voting more than once.

Controversy surrounded the use of the identifying ink in the 1984 elections. NAMFREL publicly disclosed that the ink being used was, in fact, easily removable with acetone. NAMFREL suggested that COMELEC had replaced the original "permanent" ink with the faulty solution. It is COMELEC's contention that they acted in good faith and ordered the mixture upon the advice of an American consultant. They stated that the mixture they received was simply a "bad batch" and that NAMFREL sought to discredit them rather than work with them to alleviate the problem. This has resulted in some personal ill will between NAMFREL and COMELEC officials.

COMELEC has stated that the ink to be used in the upcoming election will be of a different mix than the one used in the 1984 elections.

H. Registration

Citizens, 18 years of age and not otherwise disqualified, may register to vote on December 21 and 28, 1985, from 7:00 a.m. to 4:00 p.m. Applicants must complete a voter's affidavit which includes thumb prints and signature and must supply four photographs, one of which is affixed to the voter's identification card.

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In response to our question on the availability of photographic facilities in remote areas of the country, COMELEC officials advised that facilities were available in all areas. COMELEC is not required to and will not provide such services. One COMELEC official stated that, in certain instances, applicants known to local officials might be allowed to register and subsequently vote even though their identification card was defective in that it lacked a photograph.

Selective application and enforcement of the registration procedure could hamper the accuracy of the registration lists and jeopardize the ability to guard against fraudulent voting activity by "flying voters" (unauthorized transient voters) and by ghost voters (more votes than registered voters, or more registered voters than residents).

I. COMELEC Members

Currently, there are two vacancies on COMELEC; the remaining seven members were appointed by President Marcos. The current COMELEC is composed of members who have been appointed since 1980.

In the course of our meeting, President Marcos stated that he expects to fill the vacancies prior to the election. He further indicated that he would like a recommendation from the judiciary and bar and would not be opposed to appointing a member recommended by NAMFREL.

The opposition is of the strong opinion that, with the exception of one Commissioner who is considered "mildly independent," COMELEC commissioners are partisan KBL members who are under the direction of President Marcos. The members of COMELEC insist that they are independent of his control and conduct their functions in a fair and non-partisan manner.

J. Access to Media

It is the position of the opposition groups that the KBL and the government own or control the major media outlets and markets in the Philippines. The opposition has expressed grave doubts as to its ability to obtain equal access to the media or even adequate press coverage of its activites.

During our visit, we were advised by an Aquino campaign official that they had reserved television time, but at the last minute it was cancelled with no explanation. Because foreign journalists have been unable to obtain adequate television or studio time for opposition interviews, Mrs. Aquino and other opposition leaders, including Senator Laurel, have flown on occasion to Hong Kong for such purposes. Foreign journalists also have been forced to fly their tapes out of the country rather than risk transmitting them out of the Philippines.

Candidates seeking to convey their message to the public through the print and electronic media may do so through (1) the purchase of paid media, (2) the use of COMELEC time and space, and (3) press coverage. The COMELEC is charged with insuring that equal media use is available to all candidates.

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Radio is the primary means of communication throughout the Philippines. At issue is who owns or controls the approximately 350 radio stations in the country. President Marcos, KBL officials and COMELEC commissioners have stated that a significant number of radio stations are owned and operated by opposition groups resulting in KBL candidates being denied access to those stations. With the exception of one station which is considered somewhat independent, television stations are under the control of the government.

Conversely, opposition leaders and members of the media advised that the overwhelming majority of radio and television stations are government influenced or controlled. Opposition leaders have specifically stated that they have been unable to purchase radio time on most government controlled or influenced stations.

K. COMELEC Time and Space

During the course of the campaign, COMELEC is required to provide to the candidates on a daily basis, television and radio time on every station in the country known as COMELEC time, and space in at least one newspaper in every province or city known as COMELEC space. Under the Code, COMELEC time and space is to be provided free of charge and equally to all candidates.

COMELEC commissioners have indicated that they intend to designate one-half hour daily of prime television and radio time as COMELEC time and will divide that time equally between candidates. We were unable to obtain a definitive statement as to whether this time would be equally divided between all candidates who have filed for the office of president (27) and vice president, or solely between the ruling party and the opposition ticket led by Mrs. Aquino. President Marcos stated that he would support dividing COMELEC time between the two major campaigns.

If the two major candidates each receive one half hour of free time at a reasonable hour each day of the campaign period on all television and radio stations as represented by COMELEC, it will relieve to some degree the opposition's concern about media access.

The campaign period is very abbreviated. COMELEC time has not begun. As each day passes, a significant portion of the opposition's opportunity to discuss campaign issues through the mass media also passes.

V. THE ROLE OF INTERNATIONAL OBSERVERS

Both government officials and leaders of the opposition indicated during our visit on a number of occasions that they welcomed the presence of international observers during the presidential election process. Such declarations of support for observers from abroad were made by the two presidential and two vice-presidential candidates, the Commissioners of COMELEC, NAMFREL, and a broad range of government and opposition leaders. For his part, President Marcos noted that it would be impossible "in a free society" to control or keep out observers in any case and that there would be no attempt to stop any group—whether official, unofficial, or media—from entering the Philippines to watch the election.

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The KBL's vice presidential candidate, Arturo Tolentino, stressed the importance of international observers visiting those provinces which have been the scene of electoral controversies in the past involving proven fraud or its allegation, especially those in the country well beyond the Metro Manila area. Senator Tolentino also urged the international observers to associate themselves with NAMFREL whose activities in 1984 he praised despite what he described as its occasional lapses into partisanship on one side or the other in specific localities.

Although both KBL and UNIDO partisans have stressed their support for observers of the February 7, 1986 election, a number of KBL leaders have indicated their deep concern regarding the question of interference in the internal affairs of the Philippines by such observers. President Marcos has already made this a major issue in his campaign for re-election, and we heard vigorous arguments on the matter from others among his supporters, including key leaders of the Batasan. See Exhibits J and K.

Questions concerning the national accreditation of NAMFREL brought from many of these same KBL leaders, including President Marcos, allegations that an electoral monitoring organization of the 1950s, also named NAMFREL though with no discernible link to today's National Citizens Movement for Free Elections, had been at least partially funded and supported by the U.S. Central Intelligence Agency. We also heard on several occasions from government supporters that U.S. funds would be sent to support opposition candidates or citizens' arms such as NAMFREL. Opposition leaders, on the other hand, expressed concern that funds earmarked by the U.S. Congress either for military or economic assistance to the Philippines would be diverted, either directly or indirectly, into government spending on the presidential campaign.

The delegation is persuaded, however, that the international observer process can be managed in a way that satisfies legitimate concerns in the Philippines over interventionist actions while, at the same time, gaining close understanding of the realities of the election prior to, during, and after the balloting. Senator Tolentino's suggestion for a close liaison nationally between international observers and NAMFREL as they perform their functions constitutes an essential component of an effective process. Similarly close liaison with COMELEC is the second component, and in both cases should center on especially disputatious provinces and problem areas where charges of election irregularities or fraud have been most common. Also helpful would be frequent informal meetings with those military or para-military officials responsible for assuring election fairness and order within each province.

Although a number of groups and individuals may visit the Philippines to "observe" the elections, the delegation strongly believes that a coordinated bipartisan observer effort would be most effective. We are prepared to discuss our ideas for an observer process with the Committee if it so desires.

VI. CLOSING STATEMENT

A decision on whether or not to sponsor a formal U.S. congressional observer delegation at the time of the election should await,

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in the delegation's view, resolution of the grave concerns expressed in this report regarding electoral procedures and upon subsequent reports by designated observers.

In the end, however, the most expert international observers cannot decisively guarantee the integrity of an electoral process in the absence of an aroused and observant citizenry within a country. While in the Philippines, the delegation heard credible expressions of concern for a free and honest election from political leaders in both government and opposition, COMELEC, the clergy, military officers, business and labor leaders, and the coordinators of NAMFREL. In short, on all sides, the forthcoming election is viewed as a watershed in the history of the Philippines.

Although predictions concerning the elections at this point remain perilous, the critical procedural issues described above must be resolved. Otherwise, the earnest intentions of all Filipinos of good will to assure a free, fair, and honest election will founder. That nation will then confront an uncertain future without the electoral legitmacy upon which all democratic societies depend.

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A. Letter From Senator Richard G. Lugar and Senator Claiborne Pell to Dr. Allen Weinstein, November 21, 1985

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510

November 21, 1985

Dr. Allen Weinstein
President
The Center for Democracy
1155 15th Street, N.W.
Washington, D.C. 20005

Dear Dr. Weinstein:

We have been following with interest the Center for Democracy's discussions with members of the Committee concerning a visit to the Philippines in connection with the Presidential and Vice Presidential election now scheduled for February 7, 1986. The House Foreign Affairs Committee has also been involved in these discussions, as have other members of both Senate and House particularly interested in the Philippines. We understand further that the parameters of such a visit by the Center have been explored over a period of several months and a tentative conclusion reached concerning its utility.

The purpose of this letter is to request the Center for Democracy to undertake a visit to the Philippines on behalf of the Committee on Foreign Relations in early December. The purpose of this visit would be:

1. To demonstrate the concern of the Committee that the Presidential election be fair, free and an accurate reflection of the wishes of the Philippine electorate, and that preparations now in progress are supportive of such an election;

2. To study the electoral code recently passed by the Philippine National Assembly;

3. To observe and analyze the preparations being made under this electoral code (and other pertinent laws and regulations) for the holding of an election in February 1986 or later;

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4. To discuss with relevant participants the progress of election preparations, including problems; and

5. To report back to the Committee on Foreign Relations as soon as possible.

It is our understanding that the Center would invite staff members from the Republican National Committee and the Democratic National Committee as well as specialists drawn from such agencies as the Federal Election Commission, as the Center deems appropriate and useful.

The Committee on Foreign Relations would appreciate a written report of the Center's tentative findings immediately upon return to the United States. It is possible that you, as President of the Center, would be invited to testify before the Committee to discuss your findings in greater detail.

It is our understanding that this project will be conducted at no cost to the Committee on Foreign Relations.

Let me express in advance the Committee's deep appreciation for the Center's willingness to undertake this research mission on such short notice. We trust that the Center's report will be helpful to the Committee, and to the Senate as a whole, in arriving at an informed judgment on the conduct of the forthcoming elections in the Philippines.

Sincerely,

Richard G. Lugar
Chairman

Claiborne Pell
Ranking Minority Member

RGL:fbj

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B. H. CON. RES. 232, CONCURRENT RESOLUTION ON . . . DEMOCRACY IN THE PHILIPPINES

99TH CONGRESS
1st Session

H. CON. RES. 232

IN THE SENATE OF THE UNITED STATES

November 14 (legislative day November 13), 1985
Received

CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to the restoration of democracy in the Philippines

Whereas the United States and the Republic of the Philippines have strong ties born of shared historical experiences and common interests;

Whereas the security of the Philippines is of vital importance to United States security;

Whereas the Republic of the Philippines is experiencing serious political, economic, and security problems which directly threaten the stability of the country and the well-being of the Filipino people;

Whereas reinvigoration of Philippine democratic institutions offers the best means of restoring public confidence in the government and of defeating the growing Communist insurgency;

Whereas the Congress has stated that when considering further provision of economic and military assistance to the Philippines, it intends to take into account the degree to which democratic reforms are taking place in that country;

Whereas the United States imported a legacy of democracy to the Philippines which includes the holding of elections at all levels of government; and

Whereas President Ferdinand Marcos has indicated his intention to seek an early Presidential election: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) notes the pledge of President Marcos for free and fair elections in the Philippines; and

(2) believes that in order to provide institutional guarantees for a honest election which will be deemed credible by the Filipino people, it is important that the following steps be taken:

(A) Determination of the timing and modalities of the election in accordance with the Constitution of the Philippines.

(B) Appointment of an impartial Commission on Elections (COMELEC) staffed by politically independent commissioners.

(C) Timely accreditation of a freely functioning, politically independent, citizens election monitoring organization which has access to all polling places in the country and to all phases of the electoral process, and which is able to report all of its findings fully and in a timely fashion.

(D) Adequate access to radio, television, and the print media for members of the democratic opposition during the entire campaign period.

(E) Neutral conduct by the Philippine military establishment.

Passed the House of Representatives November 14, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk

Excerpt from the Congressional Record, November 14, 1985, page S 15670-15675.

RESTORATION OF DEMOCRACY IN THE PHILIPPINES

Mr. DOLE. I ask unanimous consent that the Senate turn to House Concurrent Resolution 232, a concurrent resolution expressing the sense of the Congress with respect to the restoration of democracy in the Philippines.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 232), expressing the sense of the Congress with respect to the restoration of democracy in the Philippines.

(Continued on next page...)

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C. Philippines Electoral Project Meetings—July-December, 1985—List of Attendees*

MEMBERS OF THE UNITED STATES SENATE

The Honorable Alan Cranston, (D-CA)

The Honorable Daniel J. Evans, (R-WA)

The Honorable John F. Kerry, (D-MA)

The Honorable John Melcher, (D-MT)

The Honorable Frank H. Murkowski, (R-AK)

The Honorable Larry Pressler, (R-SD)

MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES

The Honorable Doug Bereuter, (R-NE)

*(Persons named attended at least one meeting)

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PHILIPPINES ELECTORAL PROJECT MEETINGS
JULY-DECEMBER, 1985 - LIST OF ATTENDEES*

DEMOCRATIC NATIONAL COMMITTEE

Mr. Brian Lunde,
Executive Director

REPUBLICAN NATIONAL COMMITTEE

Mr. Frank J. Fahrenkopf, Jr.,
Chairman

Mr. John Zagami,
Assistant to the Chairman

STAFF MEMBERS OF THE U.S. CONGRESS

Ms. Jamie Boucher,
Staff Member
Senator Frank H. Murkowski

Mr. Frederick I. Brown,
Professional Staff Member
Senate Foreign Relations Committee

Mr. Vance Hyndman,
Staff Consultant
House Foreign Affairs Committee

Mr. Richard McColl,
Staff Member
Senator John F. Kerry

Mr. Stanley D. Roth,
Staff Consultant
House Subcommittee on
Asian & Pacific Affairs

Ms. Christine Dawson,
Staff Member
Senator Daniel J. Evans

Mr. Peter W. Galbraith,
Professional Staff Member
Senate Foreign Relations Committee

STAFF MEMBERS OF THE U.S. CONGRESS

Mr. Steven Smith,
Staff Member
Senator Paul Simon

Ms. Nancy Soderberg,
Staff Member
Senator Edward M. Kennedy

Ms. Cindy Sprunger,
Staff Member
Congressman Jim Leach

UNITED STATES DEPARTMENT OF STATE

Mr. Paul Wolfowitz,
Assistant Secretary of State for
East Asian and Pacific Affairs

Mr. John Maisto,
Philippines Desk Officer

Mr. Ravic Huso,
Philippines Desk Human Rights Officer

UNITED STATES INFORMATION AGENCY

Mr. Robert Hewitt,
Director
East Asian Affairs

Mr. William Linderking,
Deputy Director
East Asian Affairs

THE WHITE HOUSE

Mr. Walter Raymond,
National Security Council

THE CENTER FOR DEMOCRACY

Professor Allen Weinstein,
President of the Center

Mr. Caleb McCarry,
International Programs

*(Persons named attended at least one meeting)

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D. List of Meetings, the Center for Democracy Delegation, the Philippines, December 9-14, 1985

Monday, December 9, 1985

09:00 American Embassy Country Team Briefing

12:30 Luncheon at DCM's Residence:

Jaime N. Ferrer,
Member (UNIDO), Batasang Pambansa
COMELEC Chairman 1969-1972

15:30 Meeting with NAMFREL Leaders:

Jose Concepcion,
Co-Chairman

Bishop Antonio Fortich,
Co-Chairman

Vicente "Ting" Jaime,
Vice Chairman

Masiono "Mars" Quesada,
Chairman, Special Operations
Former Secretary General of NAMFREL

General Simplicio Rivera (Ret.),
"Last Watering Hole" (group of retired officers)

Tuesday, December 10, 1985

07:30 Breakfast with COMELEC Commissioners:

Victorino A. Savellano,
Chairman

Jamie C. Opinion,
Commissioner

Froilan H. Bacungan,
Commissioner

Ramon H. Felipe,
Commissioner

Mangontawar B. Guro,
Commissioner

Quirino A. Marquinez,
Commisioner

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10:20 Meeting at COMELEC Headquarters:

Jamie C. Opinion,
Commissioner

Jaime Layosa,
Executive Director

Nasi Dubuque,
Consultant, "Operation Super Quick Count"

11:45 Meeting at Camp Aquinaldo:

Juan Ponce Enrile,
Minister of Defense

12:30 Luncheon with COMELEC Staff Members:

Jaime Layosa,
Executive Director

Silvestre Bello,
Assistant Executive Director of Operations

Vicente "Vic" Gerochi
Director,
Election and Barangay Affairs Department

Giremigio Octavio,
Assistant Director of Operations

Horacio Apostal,
Counsel to COMELEC

Nancy Madarang,
Election Contests Administration

Beatrice Sebastian,
Education Services

Francisco Sabayan,
Election Contests Administration

Nasi Dubuque,
Consultant, "Operation Super Quick Count"

16:20 Meeting at Ateneo de Manila:

Father Joaquin Bernas, SJ,
President of Ateneo de Manila University

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19:30 Dinner with NAMFREL Leaders:

Jose Concepcion,
Co-Chairman

Vicente "Ting" Jamie,
Vice Chairman

Dante Santos,
Chairman, Finance Committee
Former Member, Agrava Board

Imelda Dayrit,
President, Catholic Women's League

Benedicto David,
"Bulletin Today" Columnist
NBC Bureau Chief, Manila

Cesar Buenaventura,
President, Pilipinas Shell

Wednesday, December 11, 1985
(See Separate Schedule in Davao City for
Jan Baran and Robert Bauer on Dec. 11)

09:00 Meeting in Cavite Province:

Belen Abreu,
Former Head of COMELEC Legal Division 1949-1957
Executive Trustee,
Magsaysay Awards Foundation (through 1984)

Emanuel Pelaez,
Former Vice President of the Philippines
Former Foreign Secretary

(Plus four additional distinguished public
figures who preferred to remain anonymous)

14:00 Meeting with COMELEC Officials in Tagaytay, Cavite for Review of Voter Registration, Voting Proceedures, and Vote Canvassing. Coordinated by:

Vicente "Vic" Gerochi,
Director,
Election and Barangay Affairs Department

Nancy Madarang,
Election Contests Administration

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18:30 Meeting with Retired Generals:

Lt. General Jesus Vargas (ret.),
Former Minister of Defense
Former AFP Chief of Staff

Brig. General Luis Villareal (ret.)

Brig. General Simplicio Rivera (ret.)
"Last Watering Hole" (group of retired officers)

Brig. General Manuel Flores (ret.),
Former Superintendent Philippine Military Academy

Separate Schedule in Davao City for
Jan Baran and Robert Bauer on December 11

11:00 Meeting at Ateneo de Davao:

Father Emeterio Barcelon, SJ,
President, Ateneo de Davao University
Chairman, NAMFREL Region XI

12:30 Meeting at Davao Insular Hotel:

Leonilo Claudio,
Publisher, San Pedro Express

14:00 Meeting at COMELEC Regional Headquarters

Atty. Resurreccion Borra,
Regional Director, COMELEC Region XI

16:00 Meeting at USIS Office in Davao:

Jose Velasco,
Station Manager, Radio Station DXMS

Tony Vergara,
News Director, Radio Station DXMS

Thursday, December 12, 1985

08:00 Breakfast at Malacanang Palace:

Mrs. Imelda Marcos,
First Lady
Minister of Human Settlements
Governor, Metropolitan Manila

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Jose C.B. "Jolly" Benitez,
Deputy Minister of Human Settlements
Member (KBL), Batasang Pambansa

Greg Areneta,
Son-in-Law of the First Lady

11:40 Meeting at Technology Resource Center:

Jose A. Rono,
Deputy Prime Minister
Minister of Local Government
Majority Floor Leader (KBL), Batasang Pambansa

12:40 Lunch with Opposition Leaders Hosted by DCM:

Francisco "Soc" Rodrigo,
Former Senator
Former Chairman & Vice Chairman of the
National Unification Committee

Neptali Gonzalez,
Member (UNIDO), Batasang Pambansa
Executive Vice President of UNIDO

Bren Guiao,
Secretary General, National Unification Committee
Former Secretary to Benigno "Ninoy" Aquino

Rene Espina,
Former Senator
Secretary General of UNIDO

Eva Kalaw,
Former Senator
President, Liberal Party (Kalaw wing)

Minnie Osmena Stuart,
UNIDO

Emigdio S. Tanjuatco, Jr.
Member (PDP-LABAN), Batasang Pambansa
(First Cousin to Corazon "Cory" Aquino)

15:30 Meeting at Administration Building, Malacanang Palace:

Leonardo B. Perez,
Minister of Political Affairs
Former COMELEC Chairman

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18:30 Reception Hosted by the Speaker of the Batasang Pambansa:

Nicanor E. Yniguez
Speaker (KBL), Batasang Pambansa

Manuel M. Garcia,
Deputy Minister of Justice
Assistant Majority Floor Leader (KBL), Batasang Pambansa

Arturo F. Pacificador,
Deputy Minister of Public Works & Highways
Assistant Majority Floor Leader (KBL), Batasang Pambansa

Fernando R. Veloso,
Member (KBL), Batasang Pambansa

Salacnib V. Baterina,
Member (KBL), Batasang Pambansa

Manolito L. Asok,
Member (KBL), Batasang Pambansa

Manuel G. Collantes,
Member (KBL), Batasang Pambansa

Regalado E. Maambong,
Member (KBL), Batasang Pambansa

Edelmiro Amante, Sr.,
Member (Ind), Batasang Pambansa

19:00 Separate Meeting with Elaine Shocas:

Ernesto Herrera,
Secretary General of TUCP
Executive Council, NAMFREL
Former Member of the Agrava Board

21:00 Meeting at Mrs. Aquino's Home:

Mrs. Corazon "Cory" Aquino,
Opposition Candidate for President

Lupita Aquino Kashawahara,
Benigno "Ninoy" Aquino's sister

Friday, December 13, 1985

07:30 Meeting at Hilton Hotel:

Rene Saguisag,
MABINI Lawyer
Columnist and Writer on Legal & Human Rights Issues

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10:00 Meeting at Malacanang Palace:

H.E. Ferdinand Edralin Marcos,
President of the Republic of the Philippines

(Also Attending: H.E. Stephen Bosworth,
Ambassador of the United States to the Philippines)

12:30 Luncheon with KBL leaders Hosted by Ambassador Bosworth:

Antonio Almendras,
Former Senator
Chairman of KBL for Region 11 (Southern Mindanao)

Rene Cayetano,
Member (KBL), Batsang Pambansa

Salacnib V. Baterina,
Member (KBL), Batasang Pambansa

Jose C.B. "Jolly" Benitez,
Deputy Minister of Human Settlements
Member (KBL), Batasang Pambansa

Vicente Valley,
Member (KBL), Batasang Pambansa

Richard Gordon,
Mayor of Olangapo (KBL)

16:00 Meeting at Archbishop's Palace:

Jamie Cardinal Sin

17:45 Meeting with Ambassador Bosworth & Staff

21:00 Meeting at Former Senator Laurel's Home:

Salavdor "Doy" Laurel,
Opposition Candidate for Vice Presidency

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Saturday, December 14, 1985

07:30 Meeting at Hilton Hotel

Arturo Tolentino,
Former Senator
KBL Candidate for Vice Presidency

09:15 Meeting at Hilton Hotel

Jamie C. Opinion,
COMELEC Commissioner

Mario D. Ortiz,
COMELEC Commissioner

12:40 Delegation Departs Manila

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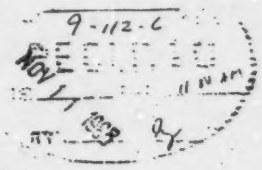
E. Letter From President Ferdinand E. Marcos to Speaker of the Batasang Pambansa Nicanor E. Yniguez and Other Members of the Batasan, November 11, 1985

FERDINAND E. MARCOS
PRESIDENT OF THE PHILIPPINES



November 11, 1985

The Batasang Pambansa
Thru the Honorable
Speaker Nicanor E. Yñiguez
Quezon City

The Honorable Members
Batasang Pambansa:

In 1981 the Filipino electorate by overwhelming vote renewed my mandate for the leadership of the nation. I have responded to that summons with uncompromising fidelity to duty.

The same fidelity compels me now to face a responsibility thrust upon me by certain developments affecting the presidency. Over the past two years the mandate conferred upon me has been the object of propaganda and dissent that have cast a shadow over the continuing validity of the policies and programs I have instituted under the moral authority of that mandate. Yet the need of the moment is an undivided nation; innumerable tasks await our collective effort. There is no moment to lose. Neither can we prevaricate on the issue laid at our door, the issue of the validity of our present efforts in government, especially our approach to economic recovery and the insurgency problem. Clearly the mandate of 1981 must be placed before the people for reexamination.

I am, therefore, left no choice but to seek a new mandate in an election that will assess, as demanded by the opposition, the policies and programs I am undertaking. Such an election necessarily shortens my tenure. But the necessity arises from no less than the time-honored principle of public accountability, inherent in a democracy and explicit in our Constitution.

I seek public judgment now on policies and programs of a fundamental nature because they involve national growth and honor. For instance, we need to pursue further action in accord with the ideology we are endeavoring to follow. We must carry out the revolution of the poor which we have

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instituted. We must support more forcefully with appropriate measures our rejection of foreign ideologies that do not fit into our traditions and beliefs as a people. We must carry on the program for human resources development, comprising such projects as the livelihood program, self-reliance, cottage industries, and small- and medium-scale industries.

The basic policies we have laid down concerning land ownership, labor and education must be pursued with vigor and vitality. We must continue with barangay participatory democracy and our rejection of the old social service dole system so as to lift our people from mendicancy to self-reliance through livelihood programs. We must preserve the maintenance of an open society and continue giving the lower and upper classes of our people equal opportunity in order that the former can develop their God-given faculties and rise to positions of leadership. The infrastructure program that emphasizes the development of the countryside must continue. Most of all, the nation must maintain social concord and coherence; free, honest and orderly elections; social justice; freedom of assembly; freedom of speech and other freedoms enshrined in our Constitution, all the frontiers of which have been advanced by the present administration and yet are now questioned by the opposition and their propagandists.

The final settlement of these issues can be achieved only through a presidential election. Once these fundamental issues are settled by mandate of our people, we shall be able to re-establish the unity of our nation. Our government and people will then be able to respond to the challenges of our times free from the threats and vexations which may negate the effectivity of the government institutions created to implement these policies and programs.

To pave the way for the holding of a special election for President, I hereby irrevocably vacate the position of President effective only when the election is held and after the winner is proclaimed and qualified as President by taking his oath of office ten (10) days after his proclamation. In all presidential elections, it has been the practice and tradition in all democracies that the President continues in office until the President-elect shall have qualified and assumed office. This practice should be continued and not modified. Any alternative will cause an undesirable and dangerous hiatus in the government.

I am obliged, therefore, to inform the Batasang Pambansa that a vacancy will definitely and inevitably occur in the Office of the President upon fulfillment of the conditions I have stated.

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In order to submit the fundamental and national issues that urgently need resolution, we should hold an election for President distinct and apart from local elections where parochial and personal issues are involved.

I, therefore, strongly recommend that the Batasang Pambansa exercise its plenary legislative powers to pass a special law establishing the mechanism to hold such an election. A suitable date seems to be January 17, 1986, so that the start of the election campaign period of forty five days shall be December 2, 1985.

Accordingly, I am recommending the enactment of a Cabinet bill calling for presidential elections on January 17, 1986.

Truly yours,

FERDINAND E. MARCOS
President of the Philippines

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F. "Cabinet Bill No. 7," Batas Pambansa Blg. 883, "An Act Calling a Special Election for President and Vice President," December 3, 1985

Republic of the Philippines
Batasang Pambansa
Second Session

C. B. No. 7

Batas Pambansa Blg. 883

AN ACT CALLING A SPECIAL ELECTION FOR PRESIDENT AND VICE-PRESIDENT, PROVIDING FOR THE MANNER OF THE HOLDING THEREOF, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. *Special election for President and Vice-President.* — There shall be a special election for President and Vice-President on February 7, 1986.

SEC. 2. *Direct vote and term of office.* — The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the tenth day following their proclamation and shall end at noon on the thirtieth day of June of the sixth year thereafter.

SEC. 3. *Filing of certificate of candidacy.* — No person shall be elected President or Vice-President unless he files a sworn certificate of candidacy not later than December 11, 1985.

SEC. 4. *Nomination of official candidates.* — Political parties, coalitions, and other similar groups or organizations shall submit to the Commission on Elections a certificate of nomination of their respective official candidates not later than December 21, 1985.

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SEC. 5. *Election and campaign periods.* — The election period shall be fixed by the Commission on Elections in accordance with Section 6, Article XII (C) of the Constitution.

The campaign period shall commence on December 11, 1985 and shall terminate on February 5, 1986.

SEC. 6. *Registration of voters.* — The board of election inspectors in polling places determined by the Commission on Elections shall meet on December 21, and 28, 1985 to receive and act on applications for registration of qualified voters, from seven o'clock in the morning to four o'clock in the afternoon. The said board shall include the newly registered voters in the list of voters for the particular polling place in which they have registered.

Within seven working days counted from the last day of registration provided herein, the municipal or city election registrar shall transmit direct to the Commission on Elections the exact number of qualified voters newly registered by the respective boards, together with the comparative data showing the increase/decrease in the number and percentage of the voters registered thereat in the May 14, 1984 Batasang Pambansa elections. The Commission on Elections shall publish in a newspaper of national circulation a summary of the aforementioned information classified on the basis of provinces, cities and municipalities, and shall also furnish a copy thereof to the representatives of the majority party and the dominant opposition party.

SEC. 7. *Meeting to close the list of voters before election.* — The board of election inspectors shall also meet on January 15, 1986 for the purpose of making such inclusions, exclusions, and corrections as may be or have been ordered by the courts, stating opposite every name so corrected, added, or cancelled the date of the order and the court which issued the same; and for the consecutive numbering of the voters of the polling place.

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Should the board fail to include in the list of voters any person ordered by a competent court to be so included, said person shall, upon presentation of a certified copy of the order of inclusion and upon proper identification, be allowed by the board to vote.

Should the board fail to exclude from the list of voters any person ordered by the court to be so excluded, the board shall not permit said person to vote upon presentation to it by any interested party of a certified copy of the order of exclusion.

After the meeting of the board to close the list of voters as provided for in this section, the board shall prepare a list of the inclusions, exclusions and/or corrections, if any, and furnish copies of such list duly signed by all its members to the respective representatives of the majority party and the dominant opposition party in such board.

SEC. 8. *Inclusion and exclusion proceedings.* — The candidates and their respective political parties shall have up to January 31, 1986 within which to file inclusion and exclusion proceedings.

SEC. 9. *Accreditation of dominant opposition party.* — For purposes of the special election herein provided, the dominant opposition party shall be that registered political party, organization, aggroupment or coalition which nominated a candidate for President and Vice-President.

(1) In case more than one registered political party, organization, aggroupment or coalition presented an official candidate for President and Vice-President, the Commission on Elections shall require them to agree on the nomination of a common representative in the board of election inspectors, board of canvassers, printing committee and other similar bodies.

(2) Should the various opposition political parties, organizations, aggroupments or coalitions fail to come to an agreement, the Commission on Elections shall then determine

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which among them shall be the dominant opposition party based on but not limited to the following guidelines:

a. Potential of the political party, organization, aggroupment or coalition into becoming a national party as evidenced by the number of its Members in the Batasang Pambansa, as well as by the size and strength of its party organization.

b. Capability of the political party, aggroupment or coalition to wage a *bona fide* nationwide campaign for its Presidential and Vice-Presidential nominees, as evidenced by its organization, the stature of its candidates and the number and strength of the political parties in the coalition or aggroupment.

c. Bailiwicks or areas of political support.

d. Platform or program of government distinguishing the political party, aggroupment or coalition from the other political entities on ideology and orientation.

e. The record of the political entity concerned in the matter of its adherence to constitutional provisions on elections.

(3) The Commission on Elections shall accredit the dominant opposition party not later than fourteen working days before the first registration day.

SEC. 10. *Date of proclamation.* — The proclamation of the winners in this special election shall take place within fifteen session days from the day the Batasang Pambansa starts the canvass, unless the delay is occasioned by justifiable cause.

SEC. 11. *Prohibited arrests in connection with the election campaign.* — The provisions on prohibited arrests and/or detentions in connection with the election campaign, including the penalties for violation thereof, as

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provided under the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _) shall be applicable to the special election provided in this Act.

SEC. 12. *Prohibited acts and penalties for election offenses.* — The provisions on prohibited acts, the penalties therefor and their prosecution under the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _) shall be applicable to the special election provided in this Act.

SEC. 13. *Powers and authority of the Commission on Elections.* — The Commission on Elections is hereby empowered to issue rules and regulations implementing the provisions of this Act and, pursuant to Article XII (C) of the Constitution and the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _), to adopt such measures as may be necessary to ensure the holding of free, honest, orderly and credible election.

Nothing in this Act shall be deemed to deprive the Commission on Elections of its powers or relieve it of its obligation to ensure the equitable protection of the rights and prerogatives of registered political parties for the purpose of holding free, honest, orderly and credible election.

SEC. 14. *Applicability of the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _).* — All other aspects of this special election not covered by any provision of this Act shall be governed by the pertinent provisions of the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _).

SEC. 15. *Appropriations.* — The amount of two hundred million pesos or so much thereof as may be necessary to carry out the purposes of this Act is hereby set aside out of the appropriations for special activities fund authorized in the Calendar Year 1985 and Calendar Year 1986 General Appropriations Acts.

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The chairman and the poll clerk of the board of election inspectors, the inspectors of the political parties, the education support personnel of the Ministry of Education, Culture and Sports, and the supervisors, principals and other administrators of the said ministry who may be asked by the Commission on Elections and actually report for supervisory assignment during registration and election days, including provincial, city and municipal treasurers shall be entitled to per diems at rates fixed in the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _).

The chairmen, poll clerks, and party representatives shall be insured with the Government Service Insurance System in accordance with the provisions of the Omnibus Election Code of the Philippines (Batas Pambansa Blg. _).

SEC. 16. *Separability clause.* — If for any reason any section or provision of this Act or any portion thereof, or the application of such section, provision or portion to any person, group or circumstance, is declared invalid or unconstitutional, the remainder of this Act or the application of such provision to other persons, groups or circumstances shall not be affected by such declaration.

SEC. 17. *Effectivity.* — This Act shall take effect upon its approval.

Approved, December 3, 1985.

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G. Pamphlet, "NAMFREL: A People's Hope for Peaceful Change," 1985

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- by facilitating the Operation Quick Count thru your knowledge of computer-aided counting
- by helping gather electoral tallies
- by taking photographs of election proceedings and activities
- by helping organize your parish/barangay and linking up to the local chapter
- by organizing conversations and forums on why involved in the voting center after casting their votes in order to...
- by participating in other appropriate tasks that will demand the elections from registration of voters to voting, counting, canvassing, proclamation to the timely transmittal to the public of the conduct and results of elections

A reminder that you can give will help ensure the point that concerned citizens do make a difference.

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How can I join NAMFREL?

Any Filipino who adheres to the beliefs and objectives of NAMFREL can volunteer through the local chapter. If there are none in the locality or if you do not know the officers, you may contact:

NAMFREL National Office
8th Floor, RFM Building
Pioneer St., Mandaluyong, Metro Manila
or call 77-24-72, 77-24-74 or 77-24-81

Is NAMFREL political? Is it partisan?

In safeguarding the right to vote, NAMFREL is engaged in political activity but political activity may either be partisan or non-partisan. It is partisan if it is directed toward the advancement of a particular party or candidate. On the other hand, it is non-partisan if it is addressed to the protection of the process itself. NAMFREL is concerned about the integrity of elections, regardless of who wins. NAMFREL is therefore, non-partisan.

Since its formation, what have been some of NAMFREL's noteworthy accomplishments?

NAMFREL's growing reputation as a force to reckon with can be best exemplified by its performance during the 1984 Batasan Pambansa Elections. It has been commended for:

- making people more aware that ordinary citizens can make a difference in the effort to achieve peaceful change
- inspiring the emergence of new leaders from the local communities themselves
- introducing many safeguards into the 1984 Election Code
- substantially reducing election irregularities through vigilant pollwatching during the 1984 elections
- conducting the first computerized "Operation Quick Count" which provided the country with an independent source of timely and reliable election results

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How were these accomplishments achieved?

Mainly through citizens' action, NAMFREL has indeed demonstrated that, if we have faith in ourselves, fear, apathy and indifference can be overcome. Through non-partisan and positive citizen action, NAMFREL shows the way for a more meaningful participation in the electoral process and, beyond elections, in the promotion of a more democratic way of life.

The work is not without risk. Two volunteers were killed in 1984 and countless others injured. Individuals and businesses were harassed. But the volunteers carry on, for no price is high enough in the service of their country.

How does NAMFREL finance its operations?

Through the Filipino spirit of "bayanihan", NAMFREL raises its financial support from two sources:

1. From donations both in cash and in kind from concerned Filipinos, participating organizations, and local business enterprises
2. Volunteer services, some even on a fulltime basis, in both national and local levels

Of the above, volunteer services provide the primary logistical support to NAMFREL operations. In 1984, it is estimated that more than ₱35 million worth of volunteer services were donated. Donations in cash and in kind amounted to about ₱20 million nationwide

NAMFREL Participating Organizations

Bishops-Businessmen's Conference for Human Development • Philippine Chamber of Commerce and Industry • Makati Business Club • Management Association of the Philippines • Catholic Women's League of the Philippines • Civic Assembly of Women of the Philippines • Coordinating Council for Private Educational Associations • Council of the Laity of the Philippines • Boy Scouts of the Philippines • Girl Scouts of the Philippines • Cursillos in Christianity • Federation of Free Workers • Trade Union Congress of the Philippines • Holy Name Society of the Philippines • Inner Wheel Clubs of the Philippines • Integrated Bar of the Philippines • Knights of Columbus • Philippine Bar Association • Philippine Jaycees, etc. • Catholic Educational Association of the Philippines • Student Catholic Action of the Philippines • Apostleship of Prayer • Adoracion Nocturna Filipina • Association of Children of Mary Immaculate • Christian Family Movement • Christian Life Community of the Philippines • Daughters of Mary Immaculate • Mother Butler Guild • Society of St. Vincent de Paul • Young Ladies Association of Charity • All-Asia Bar Association • National Bar Association • Catholic Lawyers Guild of the Philippines • Philippine Association of Secretaries • Philippine Computer Society • Philippine Council of Management • Philippine Society for Training and Development • Chamber of Real Estate and Builders Associations • Alliance of Women for Action Towards Reconciliation • Public Relations Society of the Philippines • Purchasing Association of the Philippines • Pagsi Lawin Philippines (Makati) • Rotary Club of Manila • Rotary International District 300 • Rotary International District 382 • Zonta Club of Makati • Agricultural Pesticide Institute of the Philippines, Incorporated • Ceramics Association of the Philippines • Chamber of Filipino Retailers • Chamber of Furniture Industries of the Philippines • Consolidated Automotive Parts Producers Association • Philippine Chamber of Food Manufacturers, Incorporated • Philippine Office Machines Distributors Association • Philippine Chamber of Handicraft Industries, Incorporated • Textile Producers Association • National Mines and Allied Workers Union • Philippine Association of Free Workers Unions • Federation of Provincial Press Clubs of the Philippines • Philippine Institute of Certified Public Accountants • Agricultural Machinery Manufacturers and Distributors Association • Elcosia Clubs • Dibisan Bible Church • Philippine Amateur Radio Association • Chamber of Filipino Retailers • **And many others.**

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If you want to help NAMFREL, write or call:

NAMFREL National Office
6th Floor, BFM Building
Pioneer Street
Mandaluyong, Metro Manila
Tel. Nos.: 77-24-72 • 77-24-74 • 77-24-81

or to the NAMFREL local chapter:

_____
_____
_____

I believe in the principles of NAMFREL and I want to assist through:

- ☐ Poll watching
- ☐ Cash donation:
  - ☐ I will give to our parish priest
  - ☐ I will give to the NAMFREL local chapter
  - ☐ Enclosed P_____
- ☐ Serving in:
  - ☐ Local secretariat of NAMFREL
  - ☐ Lending of equipment like (vehicle, computer, calculator, flashlights, CB radio, etc.)
  - ☐ And other services (legal, accounting, computer operations, photography, etc.)
- ☐ Assistance in the Special Projects
  - ☐ Operation Quick Count
  - ☐ Candidate's Forum
  - ☐ Citizens' Education Program
- ☐ Others (Specify) _____

_____

Name : _____

Address : _____

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NAMFREL

A PEOPLE'S HOPE FOR PEACEFUL CHANGE

How is NAMFREL managed?

Through three constituent bodies — the General Assembly, National Council and the Executive Council.

The General Assembly is the highest constituent body. It consists of the Executive Council, heads of participating organizations, the regional chairmen and field coordinators, the provincial/city/municipal chairmen and special guests.

The National Council, a smaller body, formulates the basic policies of NAMFREL.

On the operational level, an Executive Council is responsible for coordinating and supervising all of NAMFREL's policies and activities. It is headed by the National Chairman, the Vice-Chairman, Secretary General, Treasurer, and Chairmen of the Standing Committees.

Each local chapter at the provincial, city and municipal level duplicates this pattern of organization.

Members of the Executive Council

Jose S. Concepcion, Jr.	Bishop Antonio Y. Fortich, D.D.
National Chairman	Co-Chairman
Vicente R. Jayme	Christian S. Monsod
Vice-Chairman	Secretary General
Teresa F. Nava	Dante G. Santos
Treasurer	Chairman, Finance
Ricardo L. Bonoan	Rev. Rolando R. Dionisio, PBC
Chairman, Legal	Chairman, Programs
Benjamin V. Lozano	Marilou S. Quesada
Chairman, Communications	Chairman, Special Operations

Members:

Edgardo J. Angara, Pres., University of the Philippines; Elvo P. Arenamendez, Exec. Vice-Pres., Federation of Free Workers; Ramon S. Bagatsing, Jr. Vice Pres., International Harvester; Fr. Eusterio L. Bercades, S.J., Pres., Ateneo de Davao University; Cesar A. Buenaventura, Pres., Pilgrim Steel; Jose L. Cuisia, Jr., Pres., Management Association of the Philippines; Imelda R. Dayrit, Pres., Catholic Women's League; Jose Y. Feria, Pres., Cursillo in Christianity; Antonio G. Hechanova, Exec. Vice-Pres., Negros Navigation Co., Inc.; Ernesto F. Herrera, Sec. Gen. Trade Union Congress of the Phils.; Bishop Leverne Mercado, Chairman, National Council of Christian Churches; Vicente T. Paterno, Director, PCCI; Former Minister of Trade & Industry; Raul S. Roco, Pres. Integrated Bar of the Philippines (1983-85); Enrique P. Sypala, Pres., Catholic Lawyers Guild; Msgr. Francisco G. Tantoco, National Treasurer, Knights of Columbus.

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H. State Department Unclassified Telegram, Manila to Washington, December 17, 1985, Text of COMELEC Resolution No. 1729 Regarding the Rules Governing "Citizens Arms" in the Presidential Election

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PAGE 01 OF 03 MANILA 20151 00 OF 03 170631Z 0469 EAP1446
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EAP FOR HOYSTO

E.O. 12356: N/A
TAGS: PGOV, OP
SUBJECT: COMELEC RESOLUTION ON CITIZEN'S ARM

REF: MANILA 20071

1. EMB PICKED UP THE SET OF COMELEC RESOLUTIONS WE ARE FORWARDING TO THE CENTER FOR DEMOCRACY DELEGATION VIA EAP/PHL THE LATE AFTERNOON OF DEC. 16 (REFTEL). THEY INFORMED US THAT THE PACKAGE WOULD BE ON A PLANE THE MORNING OF DEC. 17. BECAUSE OF THE HIGH INTEREST OF THE DELEGATION IN THE RESOLUTION ON THE CITIZEN'S ARM, WE ARE TRANSMITTING IT BY CABLE IN ORDER TO ENSURE THAT THE DELEGATION WILL HAVE IT IN TIME TO PREPARE FOR THE SENATE FOREIGN RELATIONS COMMITTEE HEARINGS ON DEC. 18. COMELEC RESOLUTION NO. 1729 PROMULGATED ON DEC. 13 READS AS FOLLOWS.

2. BEGIN TEXT.

- - RESOLUTION NO. 1729

- PURSUANT TO THE POWERS VESTED BY THE CONSTITUTION AND BATAS PAMBANSA BLG. 881 (OMNIBUS ELECTION CODE), IN RELATION TO BATAS PAMBANSA BLG. 880, THE COMMISSION HEREBY RESOLVES TO PROMULGATE, AS IT HEREBY PROMULGATES, THE FOLLOWING RULES, GUIDELINES, AND PROCEDURES IN THE ACCREDITATION OF ITS CITIZENS ARMS.

- - I. PETITION

- 1. ANY NON-PARTISAN GROUP OR ORGANIZATION OF CITIZENS FROM THE CIVIC, YOUTH, PROFESSIONAL, EDUCATIONAL, BUSINESS OR LABOR SECTORS, MAY FILE A VERIFIED PETITION IN TEN (10) LEGIBLE COPIES, WITH THE COMMISSION FOR RECOGNITION OR ACCREDITATION AS ITS CITIZEN ARM.

- 2. THE PETITION SHALL ALLEGE THE FOLLOWING:
- A) THE CONSTITUENCY TO WHICH THE PETITIONER SEEKS RECOGNITION OR ACCREDITATION;
- B) THAT IT IS NOT SUPPORTING A POLITICAL PARTY OR CANDIDATE IN THE CONSTITUENCY WHERE IT SEEKS ACCREDITATION;
- C) NATURE OF ITS MEMBERSHIP (whether civic, youth etc.), NAMES OF ITS OFFICERS OR ORGANIZERS, LOCATION OF PRINCIPAL OFFICE OR PLACE OF BUSINESS AND ASSURANCE OF ITS CAPABILITY TO UNDERTAKE A COORDINATED OPERATION AND ACTIVITY TO ASSIST THE COMMISSION.
- D) THAT IT SHALL SUBMIT ITSELF TO THE DIRECT AND IMMEDIATE CONTROL OF THE COMMISSION AND SHALL COMPLY WITH THE ORDERS OF THE COMMISSION IN THE PERFORMANCE OF ITS SPECIFIC FUNCTIONS AND ACTIVITIES PROVIDED IN SECTION 52(A), AND SUCH OTHER FUNCTIONS AND ACTIVITIES WHICH THE COMMISSION MAY ASSIGN TO IT.
- E) THAT IT SHALL REMAIN NON-PARTISAN AND IMPARTIAL DURING THE ELECTION PERIOD.
- F) THAT IT IS NOT UNDER THE INFLUENCE WHATSOEVER OF ANY FOREIGN GOVERNMENT, CORPORATION, OR ENTITY, AND SHALL NOT SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, ANY CONTRIBUTION OR AID OF WHATEVER FORM OR NATURE FROM ANY FOREIGN GOVERNMENT, CORPORATION OR ENTITY, AND THAT NEITHER SHALL SAID ORGANIZATION NOR ANY OF ITS MEMBERS SEEK TO ACHIEVE ITS OBJECTIVES OR PROGRAMS THROUGH VIOLENCE, OR AIM TO PROPAGATE ANY IDEOLOGY OPPOSED TO THE PRINCIPLES OF A REPUBLICAN AND DEMOCRATIC GOVERNMENT.
- G) THAT IT UNDERTAKES TO POLICE ITS RANKS AND PREVENT INFILTRATION BY PERSONS OR GROUP OF PERSONS WHO MAY, DIRECTLY OR INDIRECTLY, DESTROY ITS CHARACTER OF IMPARTIALITY.

- - II. NOTICE OF HEARING

- 1. UPON RECEIPT OF THE PETITION FOR ACCREDITATION, THE COMMISSION EN BANC OR IN DIVISION SHALL IMMEDIATELY SET THE PETITION FOR HEARING. THE COMMISSION MAY, IF IT DEEMS IT NECESSARY, ORDER THE PUBLICATION OF THE PETITION IN A NEWSPAPER OF GENERAL CIRCULATION AT THE EXPENSE OF THE PETITIONER.

- 2. ANY PERSON, GROUP, OR ORGANIZATION

POSSESSING RELEVANT INFORMATION OR EVIDENCE AGAINST THE PETITIONER MAY OPPOSE ITS ACCREDITATION IN WRITING UNDER OATH.

- 3. NOTWITHSTANDING THE ABSENCE OF ANY OPPOSITION, THE COMMISSION MAY MOTU PROPRIO REQUIRE THE PETITIONER TO PRESENT EVIDENCE TO SUPPORT ITS PETITION.

- 4. THE COMMISSION HEREBY AUTHORIZES AND EMPOWERS ITS REGIONAL DIRECTORS, IN CASE OF PETITION FOR ACCREDITATION IN A REGIONAL CONSTITUENCY; THE PROVINCIAL ELECTION OFFICER, IN CASE OF A PROVINCIAL CONSTITUENCY; OR ITS ELECTION REGISTRAR, IN CASE OF A CITY OR MUNICIPAL CONSTITUENCY, TO ACCEPT, HEAR, DECIDE, AND GRANT ACCREDITATION TO CITIZEN ARMS IN THEIR RESPECTIVE JURISDICTION IN ACCORDANCE WITH THIS RESOLUTION. COPIES OF DECISIONS GRANTING ACCREDITATION SHALL IMMEDIATELY BE FURNISHED THE SECRETARY OF THE COMMISSION.

- - III. DECISION

- THE COMMISSION SHALL RENDER ITS DECISION ON THE PETITION WITHIN THREE (3) DAYS FROM TERMINATION OF THE HEARING.

- - IV. CERTIFICATE OF ACCREDITATION

- 1. IF THE DECISION IS FOR THE ACCREDITATION OF THE PETITIONER, THE COMMISSION SHALL ISSUE A CERTIFICATE OF ACCREDITATION WHEREIN SHALL BE STATED:
- (1) THE NAME OF THE GROUP OR ORGANIZATION

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- - IS SO ACCREDITED AS COMELEC CITIZEN ARM;
- (b) THE CONSTITUENCY TO WHICH IT IS ACCREDITED.
- (c) THE ELECTION FOR WHICH IT IS ACCREDITED.

- 2. AFTER ITS ACCREDITATION, THE PETITIONER SHALL SUBMIT TO THE ELECTION REGISTRARS IN THE CONSTITUENCY WHERE IT IS ACCREDITED, THE NAMES AND ADDRESSES OF ITS MEMBERS WHO ARE AVAILABLE FOR ASSIGNMENT AS POLL WATCHERS SUBSTITUTE WATCHERS AND THE SPECIFIC PRECINCTS TO WHICH THEY MAY BE ASSIGNED.

- 3. UNLESS THE IMPARTIALITY OR NON-PARTISANSHIP OF THE MEMBERS CONCERNED ARE QUESTIONED IN WRITING, THE ELECTION REGISTRAR SHALL IMMEDIATELY EXTEND THE CORRESPONDING APPOINTMENT TO SUCH MEMBERS STATING IN SUCH APPOINTMENTS THE PRECINCTS TO WHICH THEY ARE ASSIGNED FOR POLL DUTY.

- 4. THE MEMBERS SO APPOINTED SHALL HAVE THE SAME DUTIES, FUNCTIONS, AND RIGHTS AS THE OTHER WATCHERS OF POLITICAL PARTIES AND CANDIDATES.

- - - 8. REVOCATION OF ACCREDITATION

- 1. THE ACCREDITATION OF ANY GROUP OR ORGANIZATION AS CITIZEN ARM MAY BE REVOKED UPON NOTICE AND HEARING BY THE COMMISSION OR BY THE REGIONAL ELECTION DIRECTOR, PROVINCIAL ELECTION SUPERVISOR OR ELECTION REGISTRAR IN THEIR RESPECTIVE CONSTITUENCIES WHENEVER THE CITIZEN ARM SHOWS OR ACTS WITH PARTIALITY TO ANY POLITICAL PARTY OR CANDIDATE, OR HAS PERFORMED ACTS IN EXCESS OF ITS FUNCTIONS AND DUTIES, OR HAS ACTED IN CONTRAVENTION OF OR IN VIOLATION OF ITS COMMITMENTS IN ITS PETITION FOR ACCREDITATION. PROVIDED, A DECISION BY THE REGIONAL ELECTION DIRECTOR, PROVINCIAL ELECTION SUPERVISOR OR ELECTION REGISTRAR REVOKING ACCREDITATION MAY BE APPEALED TO THE COMMISSION.

- - - 9. DISSEMINATION

- THE EDUCATION AND INFORMATION DEPARTMENT SHALL CAUSE THE PUBLICATION OF THIS RESOLUTION IN TWO (2) DAILY NEWSPAPERS OF GENERAL CIRCULATION IMMEDIATELY UPON ITS PROMULGATION, AND SHALL FURNISH COPIES THEREOF TO ALL ITS FIELD OFFICES AND TO ALL REGISTERED POLITICAL PARTIES OR COALITIONS OF POLITICAL PARTIES.

- - - 10. EFFECTIVITY

- PURSUANT TO SECTIONS 52 (c) AND 173 OF THE OMNIBUS ELECTION CODE, THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY. END TEXT.
BOHANNON

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I. "MINUTE RESOLUTION OF THE (COMELEC) COMMISSION PROMULGATED ON APRIL 3, 1984, BANNING BARANGAY OFFICIALS FROM SITTING AS CITIZENS ELECTION COMMITTEE MEMBERS OR POLL WATCHERS IN THE MAY 1984 ELECTION

MINUTE RESOLUTION OF THE COMMISSION PROMULGATED ON APRIL 3, 1984

xxx xxx xxx

84-1347. In the matter of the telegraphic query, dated March 19, 1984, of Election Registrar Cordero of Katipunan, Zamboanga del Norte, on whether or not barangay officials specifically the barangay captains, can be member(s) of the citizens election committee as party representatives during the registration of voters on March 24, 25, 31 and April 1, 1984.

In the light of the overriding provision of the constitution, and taken as a measure to prevent possible abuses and suspicion of undue interference in the deliberations of the citizens election committees, it is the considered view of the Commission that barangay officials should not be allowed to sit as CEC members or watchers for the forthcoming May 14 election, or during additional registration days that the Commission may authorize.

The query of Election Registrar Cordero is therefore, answered in the negative.

Let the Law Department implement this resolution.

xxx xxx xxx

I HEREBY CERTIFY to the correctness of the foregoing minute resolution of the Commission promulgated on April 3, 1984.

RUBERTO P. EVANGELISTA
Comelec Secretary

Copy For:

.The Chairman
.The Commissioners
.Executive Director
.Law Department

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J. "U.S. Group Assured of Fair Poll," Manila Times Journal, December 14, 1985

NPA terror drive is on

Times Journal

US group assured of fair poll

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TIMES JOURNAL, DECEMBER 14, 1985

US group assured of fair poll

From Page 1

directors.

The President told the US visitors that as an added assurance that the election will be fair, local civic groups, including the National Movement for Free Elections and the Integrated Bar of the Philippines, have been asked to help watch the balloting.

The President said that even now, the NPA has already started its feared pre-election campaign of terror and violence. He said several NPA-instigated incidents have already been reported in Negros, Iloilo, Davao and the Bicol provinces.

Even in the north, the President's bailiwick, the government had to dispatch troops to Kalinga-Apayao, Cagayan and the Ilocos region to stop NPA coercion activities, Mr. Marcos said.

He added that as a result of NPA cruelty, people in the threatened regions were now turning against the insurgents.

The head of the US group, Dr. Allen Weinstein, president of the Center for Democracy, said they were sent here to monitor preparations for the elections so that they can help accurately gauge the will of the electorate.

The presidential party to Lipa will include the First Lady who will induct officers of three groups – the Kabisig sa Diwang Pilipino, the Regional Information Coordinating team headed by Director Andres Cristobal Cruz, and team leaders of the Ugnayan sa Katimugang Tagalog.

A proposed growth corridor strategy for the Southern Tagalog area calling for the development of areas located along transportation routes in Laguna, Batangas, Cavite and Quezon will be taken up by the President with regional officials.

This project involves industrial development along a corridor in the three provinces to process raw materials and serve as distribution outlets for farm products.

Each of the proposed integrated area development projects for the provinces of Aurora, Marinduque, Romblon and Quezon, (Bondoc Peninsula), will be provided with support staff.

The Aurora project may possibly receive assistance from the European Economic Commission (EEC).

The establishment of the Taal Lake Development Authority will be explained by officials of the Agriculture and Food Ministry, Farm Systems Development Corp. and the National Council for Integrated Area Development.

The First Couple and Tolentino will be welcomed by Lipa officials headed by Mayor Carlos Solis and governors from the Southern Tagalog provinces.

Meanwhile, Malacanang sources said that in case of an opposition win in February, the opposition will still be unable to change the government program or even pass bills, including amendments to the Constitution.

The same sources warned that the opposition in such a situation will create another Vietnam here by bringing about violence and bloodshed.

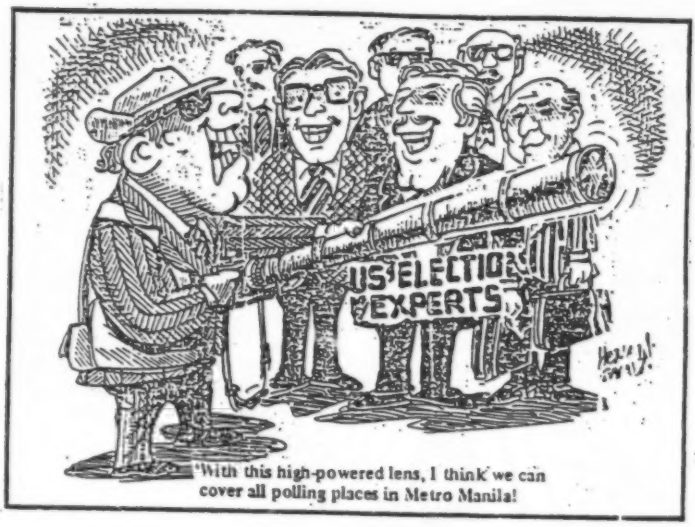
The division of the armed forces was also foreseen by the same sources because even in power, the opposition will appoint a new armed forces chief of staff, new unit and battalion commanders.

"They (the opposition) will become so desperate that they will use force to compel subservience of the people, including the President and the KBL leaders in the Batasan," the sources said.

"The President and his family will probably be killed unless they leave the country voluntarily," the sources said.

These possibilities indicated the opposition's capacity for vengeance, the sources said.

K. Two Cartoons in Manila Newspapers on the Center for Democracy Delegation's Visit



'With this high-powered lens, I think we can cover all polling places in Metro Manila!

Times Journal
Dec 6, 1985

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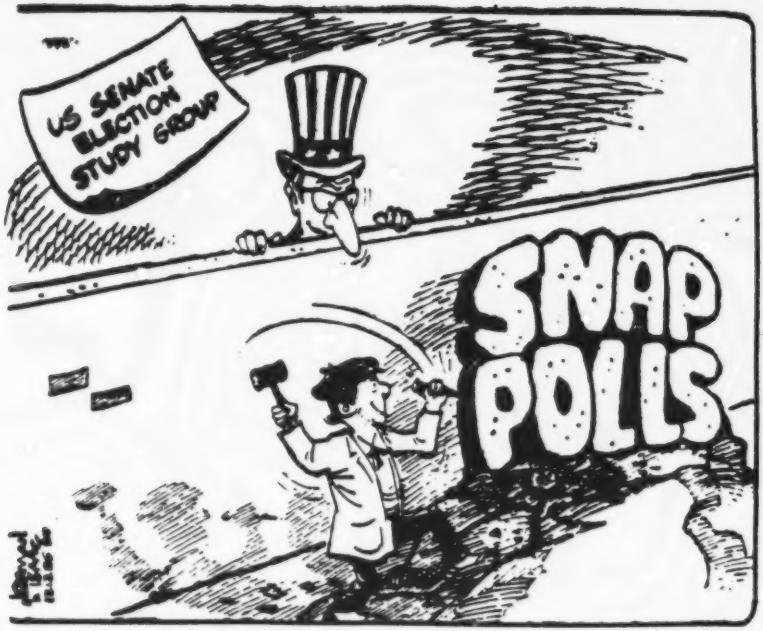

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